

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/845,897	04/28/97	IMAM	M 77.897

IM71/0118

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 EXAMINER

DOPENHEAVER, B

 ART UNIT PAPER NUMBER

1771

DATE MAILED: 01/18/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Advisory ActionApplication No.
08/845,897

Applicant(s)

Imam et al.

Examiner

Blaine R. Copenheaver

Group Art Unit

1771

**THE PERIOD FOR RESPONSE: [check only a) or b)]**

- a) expires _____ months from the mailing date of the final rejection.
- b) expires either three months from the mailing date of the final rejection, or on the mailing date of this Advisory Action, whichever is later. In no event, however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

- Appellant's Brief is due two months from the date of the Notice of Appeal filed on Jul 25, 2000 (or within any period for response set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a).

Applicant's response to the final rejection, filed on Nov 13, 2000 has been considered with the following effect, but is NOT deemed to place the application in condition for allowance:

- The proposed amendment(s):

will be entered upon filing of a Notice of Appeal and an Appeal Brief.

will not be entered because:

- they raise new issues that would require further consideration and/or search. (See note below).
- they raise the issue of new matter. (See note below).
- they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
- they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: Changing the term "foam" to "body" in claim 1 is a new issue that would require further consideration and search, i.e. Class 442.

- Applicant's response has overcome the following rejection(s):

- Newly proposed or amended claims _____ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claims.

- The affidavit, exhibit or request for reconsideration has been considered but does NOT place the application in condition for allowance because:
of the reasons of record (See Paper Nos. 14 and 16). Additionally, many of the arguments are directed to the proposed amendment which is not being entered.

- The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

- For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any):

Claims allowed: None

Claims objected to: None

Claims rejected: 1-4, 7, 11, and 17-22

- The proposed drawing correction filed on _____ has has not been approved by the Examiner.

- Note the attached Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

- Other NOTE ATTACHED SHEET WITH REGARD TO THE NEWLY FILED "SUPPLEMENTAL APPEAL BRIEF."

BLAINE R. COPENHEAVER
PRIMARY EXAMINER
ART UNIT 1771

Art Unit: 1771

1. The "Supplemental Appeal Brief" filed on November 13, 2000 fails to comply for the Notification of Non-Compliance with 37 CFR 1.192(c) letter mailed on October 18, 2000 for the following reason. As in the second paragraph on the PTO-462, "Applicant is given a TIME LIMIT of ONE MONTH from the date of this letter or any time remaining in the period under 37 CFR 1.192(a) for filing a new complete brief. If the new brief that fully complies with 37 CFR 1.192(c) is not timely submitted, the appeal will be dismissed. The new **complete** brief must be filed IN TRIPPLICATE. See 37 CFR 1.192(a)" (**Emphasis Added**). The "Supplemental Appeal Brief" was not submitted as a **new complete brief**; thus, it fails to comply with the requirements set forth in the letter of October 18, 2000. Additionally, the original Appeal Brief is also now defective because it does not include the Status of the After-Final Amendment filed on November 13, 2000 (See 37 CFR 1.192(c)(4)). Applicant is required to file a new complete brief which corrects the defects noted in the letter mailed on October 18, 2000 and the Status of the After-Final Amendment filed on November 13, 2000. Such a new complete Appeal Brief must be timely submitted and include the appropriate extension of time under 37 CFR 1.136.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blaine R. Copenheaver whose telephone number is (703) 308-1261. The examiner can normally be reached on Tuesday-Friday from 6:30 AM-4:00 PM and on alternating Mondays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Terrel H. Morris, can be reached at (703) 308-2414. The fax numbers for Technology Center 1700 are (703) 305-7718 and (703) 305-3601.


Blaine R. Copenheaver
Primary Examiner
Art Unit 1771

B. Copenheaver
December 19, 2000